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September 25, 2015

**VIA ECF**

The Honorable Vernon S. Broderick  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Highline Capital Management LLC v. Highline Wealth Management LLC, et al.*  
15 Civ 5175 (VSB)

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Dear Judge Broderick:

I represent the defendants in this matter, Highline Wealth Management LLC and Neal J. Simon in the above captioned action.

I write concerning the scheduling of an Initial Conference in the above-captioned action. The case was initially assigned to Judge Schofield. By Order, dated August 21, 2015, through a Memo Endorsement noted upon the letter of August 19, 2015 of L. Donald Prutzman this Court scheduled an Initial Conference for October 2, 2015 at 2:00 pm in your courtroom. On September 23, 2015, this schedule was changed by Notice, noting a time change to 11:00 am.

Presently a motion to my *pro hac vice* admission is pending an order of such admission by this Court.

I write to request that the Initial Conference be scheduled for a later date. I have also conferred with Mr. Prutzman. He concurs with the request for adjournment of the Initial Conference. I have also conferred concerning his availability for an Initial Conference and determined that the parties could be available on November 13 or, less conveniently to him, November 6, 2015, if either date is convenient to the Court.

Mr. Prutzman and I have also conferred and are jointly presenting a Case Management Plan and Scheduling Order today. Regardless of whether the Initial Conference be adjourned, we concur in proposing your adoption of the schedule and plan set forth therein.

A conference on October 2, 2015 would be premature as counsel for the plaintiff, Mr. Prutzman, and I have engaged in settlement discussion with, it appears, a result in a general agreement with respect to core issues, and have as a part of those productive discussions, are also

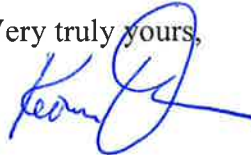
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jointly presented a stipulation to extend the time for defendants to respond to the Complaint until October 26, 2015. I have been in contact with L. Donald Prutzman continuing these discussions and he has presented a draft written proposal of the Settlement Agreement recording those core issues agreed and, as would be expected, further terms beyond the exact core of specifics agreed, albeit with a number of such being customary while a further number of others being beyond those customary or fully able to be expected, each though, at this time, not yet agreed through joint discussion and negotiation.

Accordingly, I request, that under the circumstances, no Initial Conference be convened for October 2, 2015 and instead be adjourned until November 13 (or November 6).

Alternatively, if an Initial Conference must occur on October 2, 2015, for the convenience of avoiding additional expense for travel from Reston, Virginia to Manhattan which may itself be potentially detrimental to the likelihood of a full settlement, I would request pursuant to your Individual Rules and Practices in Civil Cases, Rule 2.B. to attend telephonically. In light of the foregoing, this Initial Conference and its utility for planning both this case management and schedule as well as, and particularly herein during the continuing fluid discussion of settlement terms, its utility for advancement of the settlement, will be just as forthcoming and valuable if my appearance is made telephonically.

Very truly yours,



Kevin T. Oliveira

cc: L. Donald Prutzman, Esq., by email to [prutzman@thshlaw.com](mailto:prutzman@thshlaw.com)  
David H. Bernstein, Esq., by email to [dhbernstein@debevoise.com](mailto:dhbernstein@debevoise.com)